

MINUTES
Montana Fish, Wildlife & Parks Commission Meeting
FWP Headquarters – 1420 East 6th Avenue
Helena, MT

FEBRUARY 12, 2009

Commission Members Present: Shane Colton, Chairman; Dan Vermillion; Willie Doll; Bob Ream; and Ron Moody.

Fish, Wildlife & Parks Staff Present: Joe Maurier, Acting Director, and FWP Staff.

Guests: See February 12, 2009 Commission file folder for names of who signed in.

Topics of Discussion:

1. **Call to Order - Pledge of Allegiance**
2. **Introduction of Newly Appointed FWP Commissioners**
3. **Approval of Commission Meeting Minutes of January 15, 2009**
4. **Approval of Commission Expenses through January, 2009**
5. **Selection of FWP Commission Vice-Chairman**
6. **Commission Meeting Schedule Revision**
7. **Sheep and Goat Transplant Project - Summary and Partner Recognition**
8. **Legislative Update**
9. **Missouri-Milk River Confluence State Park Property Acquisition – Endorsement**
10. **2009 Elk Season Adjustments in HD360 and HD362 – Final**
11. **Region 1 Deer Season Adjustment – Final**
12. **Region 2 - Eliminate 2009 Antlerless Whitetail Deer B License Type 002-10 – Tentative**
13. **Region 6 – HD640 and HD641 Boundary Change - Tentative**
14. **Keep Cool Hills Cooperative Management Area Rule – Tentative**
15. **Foy's Bend Land Acquisition along the Flathead River – Final**
16. **Hay Creek Land Acquisition in the North Fork of the Flathead River– Final**
17. **Open Microphone – Public Opportunity to Address Additional FWP Issues**

1. Opening - Pledge of Allegiance. Governor Schweitzer recently appointed Commissioner Colton to serve as Chairman of the FWP Commission. Chairman Colton called the meeting to order at 8:30 a.m. and led the Pledge of Allegiance.

2. Introduction of Newly Appointed FWP Commissioners. Chairman Colton introduced Bob Ream of Helena, and Ron Moody of Lewistown, as the two new FWP Commissioners, whose terms expire January, 2013.

Commissioner Ream explained that he hails from a long line of hunters. His grandfather was an avid trapshooter, and his grandmother was an accomplished competitive shooter who shot against Annie Oakley. He taught wildlife biology at the University of Montana for twenty-eight years, served in the legislature for eight sessions, has a Masters in botany/zoology, and a PhD in zoology.

Moody said he has always lived on the boundary lines of urban and rural America. He took a hunter education course in 1978 that started him on the path of wildlife management. He now is a hunter education instructor himself. He is a director on the Public Land and Water Access Association, and has a Bachelors Degree in journalism and political science. This is an opportunity to help FWP in wildlife conservation efforts.

3. Approval of Commission Meeting Minutes of January 15, 2009.

Action: Doll moved and Vermillion seconded the motion to approve the January 15, 2009 minutes. Motion carried.

4. Approval of the January, 2009 Commission Expense Report

Action: Doll moved and Vermillion seconded the motion to approve the January expense report as presented. Motion carried.

5. Selection of FWP Commission Vice-Chairman.

Commissioner Doll nominated Commissioner Vermillion for the position of Vice-Chairman of the Commission. Commissioner Vermillion accepted the nomination.

Action: Doll moved and Colton seconded the motion to nominate Vermillion for Commission Vice-Chairman, and to cease nominations. Motion carried.

6. Commission Meeting Schedule Revision. Due to conflicts with Commissioner Ream's schedule, the Commission meeting dates were changed. The April meeting was rescheduled for April 16, and the June meeting was rescheduled for June 25. The Commission will discuss the possibilities of regional meetings at a later date.

7. Sheep and Goat Transplant Project - Summary and Partner Recognition. Quentin Kujala, FWP Wildlife Division Management Bureau Chief, explained that a sheep and goat trap and transplant effort had been conducted in January subsequent to Commission endorsement in September of 2008. A video of the transplant was shown. Kujala expressed gratitude to Lorents Grosfield, the landowner who provided the staging and handling site on his ranch, and to the Montana Wild Sheep Foundation, the Utah Foundation for North American Wild Sheep, the U.S. Forest Service, and the Safari Club International for their financial, technical and logistical assistance.

Fifteen mountain goats were captured in HD313 in the Crazy Mountains and transplanted to the Rocky Mountain Front, and sixty Bighorn Sheep were captured in HDs 422 and 424 and transplanted to the mountains of Utah.

Jim Weatherly, Executive Director, MT Wild Sheep Foundation, extended thanks from both the state of Utah and the Utah Chapter of FNAWS in their unavoidable absence. He said Utah paid for the helicopter expenses and the lab tests, and made a donation to the Montana Chapter of FNAWS for future transplant expenses, whether it is in-state or out-of-state.

Tom Powers, President, Montana Chapter of FNAWS, stated that they had presented a plan to FWP nearly four years ago to better market the sheep tag. Since that time, the auction price has steadily rose. This year it sold for \$245,000. FNAWS believes that working with the national convention has made a big difference. It is a combination of marketing and accurate facts and figures.

8. Legislative Update. Chris Smith, FWP Deputy Director, provided highlights of some of the legislation FWP has interest or involvement in. Ninety bills are at various stages of the process.

- * Three pieces of legislation related to stream access at bridges. HB190 clarifies that landowners can attach fences to bridge abutments as long as access is available. That bill passed the House, but has not been heard in the Senate yet.

- * The mandatory trapper education bill has passed the House.

- * The bill that would authorize FWP to revoke fur dealer's licenses when they are convicted of illegal activity was opposed by trappers and has been tabled. Bills related to enforcement have met resistance in the House.

- * SB185 would make available big game combination licenses for nonresident college students. A student who is not a resident may purchase a big game combination license if that student is currently enrolled as a full-time student at a postsecondary educational institution in Montana, or has a natural or adoptive parent who currently is a Montana resident, or has a Montana high school diploma or certified GED, and is currently enrolled as a full-time student at a postsecondary educational institution in another state.

- * A variety of bills have been introduced relative to recruiting and retaining youth and seniors.

- * A controversial bill was introduced that would allow a person of any age to hunt for up to five years under the supervision of a licensed hunter, before they take hunter education. Several concerns were expressed regarding this bill, to include that there is no minimum age, that five years is too many years, and allowing anyone to hunt without hunter education is a safety issue.

- * A bill to establish a provisional hunter education certificate for those individuals who took hunter education but could not pass the test passed the House.

- * A bill was introduced that would permit youth who turn twelve years of age at any time during the season to hunt the whole season under supervision of a licensed hunter.

- * Four bills were introduced relative to Fort Peck Hatchery. All have been tabled.

- * Two bills were introduced with respect to archery permits in the Missouri Breaks.

- * Senator Debby Barrett introduced a bill that included a provision that a permit to take a wolf would remain valid until it was filled. It would have been a change to our regulatory system and would have thrown a wrench in USFWS delisting.

- * SB183 is to ban ownership and breeding of wolf hybrids, which would stop delisting dead in its tracks.

- * SJR15, introduced to encourage wolf delisting, passed the Senate.

- * HB51 proposed to make the \$4 parks "opt out" license fee an "opt in" fee, which would devastate Parks financially. There were no proponents for this, except for the sponsor.

- * SB164 would expand the good neighbor policy regarding weed control, and would require FWP, when acquiring land or water rights, to place 20% above the purchase price into a maintenance account. It passed the Senate. FWP has a number of concerns, and has suggested amendments, however the sponsor is not interested in them.

- * Another bill has been introduced by a contingent of legislators from Missoula to appropriate general fund money for FWP to take over Travelers Rest State Park. The budget may not allow that.

- * Two pieces of legislation were introduced regarding bison. HB253 would have transferred management of bison from the Department of Livestock to FWP. That bill was tabled in the House. The other bill introduced by Senator Brenden would prohibit relocation of bison from the quarantine facility to any other location, although there may be an amendment to allow them to be transferred to Wyoming.

- * The FWP base budget was approved on a one-time-only basis for the next biennium, which is the only time that has ever happened to any state office. The additional FTE for fishing access site maintenance was not approved. Funding for FAS maintenance comes from the general license account. Fees generated from outfitters and guides are deposited into the general license account with the rest of the monies.

- * FWP is monitoring in excess of fifteen water bills that may affect the in-stream water rights on blue ribbon streams where FWP appropriates water. Since ground water is related to surface water, that also needs to be considered. FWP is monitoring the bills to assure that any amendments do not create problems for FWP.

- * HB79 impacts FWP in that if the Department purchases property, then an equal amount of property must be disposed of.
- * HB117 would add a 60-day review timeline to the administrative rule process. It has been tabled.
- * HB182 would have prevented agencies from lobbying. It was tabled.
- * HB249 would tax conservation easements even though the underlying property is already taxed.
- * HB422 deals with eminent domain by railroads. There are questions as to legality.
- * HB443 would clarify FWP authority on nongame species in need of management. It would bring up the issue of prairie dogs.
- * HB455 would provide for setback for riparian zones on larger rivers.
- * SB39 extended the duration of the water rights compact commission.
- * SB314 would clarify the definition of stream access. It attempts to reverse the Mitchell Slough decision, which would make all Class II streams no longer available as public streams. The sponsor is willing to look at amending it.
- * SB402 talks about just compensation for takings. It is an attempt to reverse a decision recently decided by the Supreme Court.
- * Several bills have been introduced relative to military discounts. Whenever the legislature grants exceptions to service men and women, the general license account needs to subsidize the expense so everyone in the state is contributing.
- * HB585 would create nonresident combination hunting licenses to be used by adult non-resident family members who wish to return to Montana to hunt with a sponsor or family member.

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Chris Smith, Deputy Director, informed the Commission that FWP is working on obtaining a new audio system so the Commission meetings can be listened to by anyone who has access to the world-wide web. Additionally, FWP is installing a video conferencing system, to go live in the very near future, that will link all seven regional offices and the Helena office. These systems will help FWP and the Commission to reach out to the public.

9. Missouri-Milk River Confluence State Park Property Acquisition – Endorsement. The 2007 legislature allocated ten million dollars of Access Montana funds to Fish, Wildlife & Parks for acquisition of parks and fishing access sites. FWP Parks Division Acting Administrator Chas VanGenderen, explained that this 400-acre property at the confluence of the Milk and the Missouri Rivers near Fort Peck would satisfy the criteria for use of those funds. This property offers cultural values (Lewis & Clark's travels along the Missouri) as well as recreational opportunities. There is only one state park in this area of Montana, and it was suggested by the legislature to search out and pursue acquisitions in the eastern part of Montana. FWP has checked into acquiring land on the south side of Brush Lake, but the landowner is not interested in selling.

Development of this state park would provide public river access for motorized and non-motorized boat use, excellent angler opportunities, areas for development of campgrounds, group use and day-use facilities, and ample areas for hiking and nature viewing. The agricultural land would provide quality wildlife habitat for upland game birds and deer. Following endorsement by the Commission, FWP would begin negotiations with the landowners, would obtain an appraisal of the property, and would develop an environmental assessment to present to the public for comment.

Action: Ream moved and Vermillion seconded the motion to authorize FWP to pursue acquisition of the Confluence Property at the junction of the Milk and Missouri Rivers.

Doll said this is a good acquisition, however he cautioned the Commission to be aware of investors who purchase Montana land only to re-sell it for a large profit.

Director Maurier assured the Commission that this landowner has been on the land for many years and has not recently bought it as an investment opportunity.

Moody inquired why this would be developed into a park as opposed to a wildlife management area.

VanGenderen replied that the Parks and Wildlife divisions are working together to make it all it can be. Management of a state park for wildlife habitat is indeed appropriate, and there is the possibility of developing it into a WMA in time.

Chairman Colton asked for public comment. There was none.

Action on Motion: Motion carried.

10. 2009 Elk Season Adjustments in HD360 and HD362 – Final. Quentin Kujala, FWP Wildlife Division Management Bureau Chief, said there are no changes recommended to the 2009 HD360 and HD362 elk hunting tentatives, which are:

- * Maintain the brow-tined bull/antlerless general season
- * Maintain the youth opportunity for either sex elk
- * Maintain the Airport Weapons Restriction Area
- * Offer unlimited over-the-counter A9/B12 licenses
- * Eliminate the "Special Madison Area," its 400 elk-hunting permits, and its hunter-orientation requirement

Action: Vermillion moved and Doll seconded the motion to adopt as Final the 2009 elk hunting season in Hunting Districts 360 & 362 as proposed by FWP.

Vermillion explained that this proposal was not originally well received, however with hard work and coordinated efforts by Pat Flowers, the Region 3 staff, and the sportsmen and landowners, a well-facilitated process resulted in a successful conclusion. Some distribution issues still need to be addressed, but resolutions are progressing. The facilitation process promoted working relationships between hunters and Madison residents/landowners, resulting in improved hunter access.

Action on Motion: Motion carried.

11. Region 1 Deer Season Adjustment – Final. Quentin Kujala, FWP Wildlife Division Management Bureau Chief, stated there is one recommended change to the tentatives, which is to reduce antlerless white-tailed deer B licenses in HD132-00 from 300 to 25. The 2008 winter significantly reduced recruitment of white-tailed deer in most of Region 1, which became more apparent during the surveys, and at the fall check stations. Lion and wolf predation, along with sever weather greatly impacted the numbers.

The recommended adjustments are:

Drop the last four days off the general license for either-sex white-tailed deer hunting throughout most of Region 1 (replace with antlered buck). HDs 150, 151 and 170 would remain five weeks general license either-sex white-tailed deer hunting.

Reduce antlerless white-tailed deer B licenses:

HD100-00	From 600 to 25
HD101-00	From 750 to 25
HD102-00	From 500 to 25
HD103-00	From 500 to 25
HD104-00	From 500 to 25
HD109-00	From 400 to 25

HD110-00	From 50 to 25
HD120-00	From 300 to 25
HD121-00	From 800 to 100
HD122-00	From 50 to 25
HD123-00	From 100 to 25
HD124-00	From 200 to 100
HD130-00	From 650 to 25
HD132-00	From 300 to 25

Reduce antlerless mule deer B licenses:

HD100-01	From 50 to 25
HD103-01	From 50 to 25
HD104-01	From 50 to 25

Action: Vermillion moved and Doll seconded the motion to approve the Region 1 Deer Season Adjustments as recommended by the Department.

Chairman Colton asked for public comment on the change to the tentative in HD132-00. There was none.

Action on Motion: Motion carried.

12. Region 2 - Eliminate 2009 Antlerless Whitetail Deer B License Type 002-10 – Tentative. Quentin Kujala, FWP Wildlife Division Management Bureau Chief, explained that because this proposal is an emergency measure, it is being proposed outside the biennial season-setting process. The Bonner and Darby check stations revealed that deer numbers were markedly down, and the regional surveys identified a need to greatly reduce the antlerless harvest of white-tailed deer to conserve the deer population. The Region seeks a 38 percent reduction in antlerless harvest in 2009, and the only way to realize that goal is to eliminate the 002-10 license in 2009. At this point, this can be accomplished by keeping the traditional 8-day either-sex opportunity for whitetails on the A-license, however if FWP waits until 2010 to eliminate the 002-10 license, the deer population might be low enough to require eliminating the 8-day either-sex opportunity.

Action: Ream moved and Vermillion seconded the motion to adopt as Tentative the 2009 white-tailed deer hunting season in Region 2 and eliminate the 2009 Antlerless Whitetail Deer B License Type 002-10 as recommended by FWP.

Chairman Colton asked for public comment.

Steve Kamps, Lincoln, supports this tentative. Many residents are seeing decreases in deer numbers. The Lincoln area has suffered a hard winter so there may be even more quota reductions. He asked the Commission to keep this in mind when lion quotas are discussed in the spring.

Vermillion said he had received phone calls with people asking if specific areas could be carved out where the population is stronger. Are there areas where the populations are stronger?

Mike Thompson, FWP Region 2 Wildlife Manager, replied that there is a concern by FWP and some of the public over the over-the-counter B licenses. The public land is feeling the brunt of the harvest pressure, but the areas that are protected from hunting may not be obvious to the population.

Rod Bullis said this situation is nothing new. It will continue. There are many deer killed on the road.

Ream said this is the prudent thing to do.

Action on Motion: Motion carried.

13. Region 6 – HD640 and HD641 Boundary Change – Tentative. Quentin Kujala, FWP Wildlife Division Management Bureau Chief, explained that based upon a public petition in 2004, the deer season in HD640 was reduced to a 3-week buck, 5-week antlerless season to increase mature-buck ratios by decreasing hunting pressure during the deer rut. The shortened season in HD640 displaced hunting pressure to neighboring HD641. In an effort to modify the shortened season, HD640 boundary adjustments were adopted during the 2008-2009 FWP biennial season setting process that reduced the size of HD640.

Landowners that did not endorse the boundary adjustments initiated an access reduction and closed 80,000 acres of private land. In response to concerns about the boundary adjustments, road-hunting, and buck survival, some 37 landowners had posted their land with signs stating: “**NO HUNTING** Thanks to the Montana Fish and Game’s concern about Landowners Opinion.”

The Region and Commissioner Doll were invited to a meeting called by the landowners and business owners. Business owners are concerned they may suffer loss of business if the land is closed to hunting. Their recommendation was to readjust the boundary between HDs 640 and 641 and continue the 3-week buck season/5-week antlerless season for deer in HD640 in 2009. That portion of deer/elk HD641 north of Route 258 would be incorporated into HD640. FWP questioned if this readjusted line would create new concerns by other factions of the public.

Doll said the boundary change in 2008 was greatly opposed, and feels there is a good probability that the 80,000 acres will be closed to hunting. There is also a good possibility that others will close access to their lands as well. There are no outfitters in that area, no block management, and no leased land, so 100% would go back to general public hunting if an adjustment is made. If FWP wants to rebuild its image in that part of the state, it would behoove the Department to work with these landowners. Doll said the landowners are left to take care of the resources, at their own expense, after hunters and recreationists have enjoyed themselves and then returned to their homes expecting to come back again the next year. It is imperative to listen to the landowners and respect their concerns. Doll said several landowners expressed frustration that they are never included in the FWP surveys, and questioned just how good the information is if the landowners opinions are not included.

Colton said this is the flip side of what the Commission was criticized for in SB162. It is important that the Commission maintain the authority to make management decisions. Given this landscape and these landowners, it makes sense to make these adjustments with an eye toward biological parameters.

Ream asked what took place to cause such concern by the landowners.

Colton explained that things that are important to both the landowners and the sportsmen were not evaluated by FWP. One important objective was not considered.

Action: Doll moved and Vermillion seconded the motion to adopt the tentative 2009 adjustment to the boundary between deer HDs 640 and 641 as recommended by the Department.

Chairman Colton asked for public comment. There was none.

Action on Motion: Motion carried.

14. Keep Cool Hills Cooperative Management Area Rule – Tentative. Paul Sihler, FWP Field Services Division Administrator, explained that a biennial rule was established in February of 2007 to enter into a cooperative management agreement with the Sieben Ranch, the Nature Conservancy, and DNRC to manage recreational use and enforce regulations on 15,000 acres of land northeast of Lincoln. The landowners had considered closing the land to public access due to concerns of unmanaged use to include camping, fires, weeds, and new roads being pioneered, but prior to taking such action, approached FWP to ask for management assistance.

Action: Doll moved and Vermillion seconded the motion to approve the tentative Keep Cool Hills Hunting Access and Recreation Management Area Biennial Rule.

Chairman Colton asked for public comment.

Rod Bullis said this is a good deal and recommended approving it. The Sieben Ranch is a great neighbor.

Steve Kamps said the management rule is a good deal. There was a lot of abuse on the land as it does gets a lot of use. He appreciates the Baucus' leaving the ground open. He supports the rule.

Action on Motion: Motion carried.

15. Foy's Bend Land Acquisition along the Flathead River – Final.

16. Hay Creek Land Acquisition in the North Fork of the Flathead River– Final.

Chris Hunter, FWP Fisheries Division Administrator, explained that both of these acquisitions had been approved as final at the November, 2008 meeting. Following that meeting, FWP staff realized that the Environmental Assessment and Decision Notice Document did not clearly show that FWP would be conveying a conservation easement to BPA at the time of closing, so the EA was corrected and once again presented to the public for comment. Eighteen comments were received in support of the acquisitions. This conservation easement conveyance is a requirement of the 2008-2009 MOA signed by BPA, FWP, and the CSKT for the purpose of mitigating fisheries impacts of Hungry Horse dam.

Action: Ream moved and Vermillion seconded the motion to reaffirm approval of the Foy's Bend Land Acquisition and the Hay Creek Land Acquisition as amended, with a clear understanding that this includes the conveyance of a conservation easement to BPA at closing. Motion carried.

17. Open Microphone – Public Opportunity to Address Additional FWP Issues. There was none

Colton stated that he appreciates inheriting the Commission Chairman's gavel, and commended Commissioner Doherty on his accomplishments while serving as Chairman.

Action: Colton moved and Vermillion seconded the motion to retire this gavel to Commissioner Doherty. Motion carried.

Action: Doll moved and Vermillion seconded the motion to adjourn the meeting. Motion carried.

Meeting adjourned at 12:00 noon.